

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 17, 2004. Applicants respectfully request reconsideration and favorable action in this case in view of the following remarks.

Section 102(e) Rejections

The Examiner rejects Claims 1-5, 9-14, 17, 31-35 and 37-43 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,298,328 issued to Healy et al. ("*Healy*"). Applicants respectfully traverse these rejections for the reasons stated below.

Independent Claim 1 recites "associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments . . ." (Emphasis added.) *Healy* does not teach or suggest this limitation because *Healy* is directed towards a market size analysis tool that "allocates, tracks, and forecasts market data by product, geographic area, market segment, provider, and time period." (*Healy*, col. 1, lines 10-12). The "value stream" of a particular company or industry segment is unrelated to sizing a market based on these five dimensions. As indicated in the publication by James Martin, "The Great Transition," the value stream of a company or industry segment is an end-to-end collection of activities that create or achieve a result for a customer of the enterprise. Furthermore, particular components of a value stream indicate what a customer of the enterprise is willing to pay for. Thus, the value stream of an enterprise is not used to size markets, as in *Healy*. In fact, the value stream concept is neither disclosed, referred to, or suggested by *Healy*.

The value stream components in the instant application are much different than the five market dimensions utilized in *Healy*. For example, as indicated in Figures 3B through 3E of Applicants' disclosure, the generic value stream components are indicated by reference numeral 302 and include such things as "product designed/engineered", "product manufactured", "customer orders product", and "customer needs product help". Most of these generic value stream components have nothing to do with market size analysis. Conversely, the five market dimensions utilized in *Healy* may be seen in FIGURES 2-6 and described in col. 4, line 13 through col. 5, line 50. As described above, the dimensions are defined as product, geographic area, market segment, provider, and time period. Therefore,

Healy does not disclose or suggest a generic value stream having a plurality of generic value stream components, but merely dimensions of a market size. For at least this reason, *Healy* does not anticipate Claim 1.

In addition, one of the dimensions in *Healy* is directed towards market segments, while independent Claim 1 associates a plurality of generic value stream components with a plurality of industry segments. For this additional reason, *Healy* does not anticipate Claim 1.

For reasons analogous to those above, the rest of the limitations of Claim 1 are also not anticipated by *Healy*. In addition, independent Claim 9 recites "a database storing expenditures for a time period for a plurality of industry segments, expenditures associated with at least one of a plurality of generic value stream components . . .," independent Claim 31 recites, "associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments, . . ." and independent Claim 37 recites, "a database storing expenditures for a time period for a first industry segment, the expenditures associated with at least one of a plurality of generic value stream components; . . ." *Healy* also does not anticipate Claims 9, 31 and 37 for reasons analogous to those above in conjunction with Claim 1. Therefore, Applicants respectfully request that the rejection of independent Claims 1, 9, 31 and 37 be withdrawn.

Dependent Claims 2-5 depend from independent Claim 1, dependent Claims 10-14 and 17 depend from independent Claim 9, dependent Claims 32-35 depend from independent Claim 31, and dependent Claims 38-43 depend from independent Claim 37, and are also not anticipated by *Healy* because they include the limitations of their respective base claim (which are shown above to be allowable) as well as further limitation(s) that further distinguish *Healy*. Therefore, Applicants respectfully request that the rejection of Claims 2-5, 10-14, 17, 32-35 and 38-43 be withdrawn.

Section 103(a) Rejections

The Examiner rejects Claims 6-7, 15-16 and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Healy*. Claims 6-7 depend from independent Claim 1, Claims 15-16 depend from independent Claims 9, and Claim 36 depends from independent Claim 31. These claims are not rendered obvious by *Healy* because they include the limitations of their respective base claim (which are shown above to be allowable) as well as further limitation(s)

that further distinguish *Healy*. Therefore, Applicants respectfully request that the rejection of Claims 6-7, 15-16 and 36 be withdrawn.

The Examiner also rejects Claims 18-30 under 35 U.S.C. § 103(a) as being unpatentable over *Healy* in view of NAICs Association (www.naics.com). Applicants respectfully traverse these rejections for the reasons stated below.

Independent Claims 18 and 24 are not rendered obvious by *Healy* and NAICs Association, either alone or in combination, because of reasons analogous to those above in conjunction with Claims 1, 9, 31 and 37 with respect to *Healy* and because NAICs Association also does not disclose or suggest the use of the generic value stream having a plurality of generic value stream components. Therefore, neither *Healy* or NAICs Association teach or suggest all the claim limitations of independent Claims 18 and 24. Thus, a prima facie case of obviousness has not been established and neither *Healy* nor NAICs Association, alone or in combination, renders obvious independent Claims 18 and 24. Applicants respectfully request the rejection of these independent claims be withdrawn.

Dependent Claims 19-23 and 25-30 depend from independent Claims 18 and 24, respectively, and are also not rendered obvious by *Healy* or NAICs Association, alone or in combination, because each dependent claim includes the limitations of its respective base claim (which are shown above to be allowable) as well as further limitation(s) that further distinguish *Healy* and NAICS Association. Therefore, Applicants respectfully request that the rejection of Claims 19-23 and 25-30 be withdrawn.

CONCLUSIONS

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, if a fee is due, the Commissioner is hereby authorized to charge any required fees to deposit account number **05-0765** of **Electronic Data Systems Corporation**.

Respectfully submitted,

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